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Ms. Karen Gregory

c/o Federal Maritime Commission

800 North Capitol Street N.M.

Washington D.C. 20573-0001

2013 APR 17 PM 12: 12

OFFICE OF THE SECRETARY
FEDERAL MARITIME COMM

Re Docket No. 12-10 SBI International Inc. v Mr. Howard Finkel c/o COSCO Container Lines Americas

Respondent: Howard Finkel C/O COSCO Container Lines Americas, Inc. , 100 Lighting Way, Secaucus N.J., 07094, (201) 422-8937, howardf@cosco-usa.com

This is in response to Docket No, 12-10 a complaint filed by SBI International. SBI shipped 4 refrigerated containers with COSCO to Xingang, those containers were subsequently pulled aside for China Customs inspections. Just like in the U.S., when China Customs require an inspection, the shipping line has no authority and all charges incurred because of the inspection are for the account of the cargo.

SBI claims COSCO was in violation of specific parts of the shipping act, the specific allegations were:

A common carrier, either alone or in conjunction with any person directly or indirectly, may not

10(b) (1)- 46 U.S.C. sec 41104(1)

Allow a person to obtain transportation for property at less than the rates or charges established by the carrier in its tariff or service contract by means of false billing, false classification, false weighing, false measurement, or any other unjust or unfair device or means.

Reply-SBI moved their cargo under a service contract filed with the FMC. They were charged exactly the rates and charges that were spelled out in their contract. The cargo moved under the description that was in the contract and what SBI put on their bill of lading. There was no violation here.

10(b)(3)-46 U.S.C. 41104(3)

retaliate against a shipper by refusing, or threatening to refuse, cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, or has filed a complaint, or for any other reason.

Reply-We never refused space to SBI, they booked their cargo with us and we accepted it. We never discriminated against SBI in any way, they are a customer of ours and we tried to assist them in any way possible.

10(b)(4)-46 U.S.C. sec. 41104 (4)

For service pursuant to a tariff, engage in any unfair or unjustly discriminatory practice in the matter of_
D-loading and landing of freight

Reply-SBI's cargo was loaded properly in the U.S., when the cargo landed in Xingang, China Customs demanded an inspection. The inspection had nothing to do with COSCO and we could not interfere in this process in any way.

E- adjustment and settlement of claims.

Reply- SBI never filed a claim with COSCO. They requested we mitigate detention and demurrage which we did but even after we did this they did not obtain a Customs release (which only they could do) and charges continued to mount.

10(b)(10)-46 U.S.C. sec. 41104(10)

unreasonably refuse to deal or negotiate

Reply-We tried to assist SBI from the beginning of this problem but as stated previously, we could not interfere with a China Customs investigation. After the examination was over there was detention and demurrage due which we did mitigate after SBI's request. SBI claims that we needed to get their cargo released from Customs but only they or their agents could do this.

In the initial order it stated that the parties must contact the Commissions Consumer Affairs and Dispute Resolution Service (CADRS) which we did and I had one joint conversation with SBI and Jason Guthrie and subsequently many conversations with Jason Guthrie trying to solve this issue.

We never refused to deal, as you will see from the many e-mails included. We were asked to negotiate the detention and demurrage which we did but told SBI that it was their responsibility to make sure they got a Customs release. For some reason SBI didn't act on getting a Customs release and charges mounted up again which we were not willing to mitigate a second time.

Along with the shipping act violations SBI has listed, there were other accusations in their initial complaint that I would like to address:

- A. "From 04 September until 21 November 2012, COSCO Container Lines America failed to actively participate in the mitigation process. They utterly refused and failed to assist or provide any useful information necessary to resolve this issue."

Reply-This is absolutely not true, as soon as we were contacted by the FMC Consumer Affairs and Dispute Resolution Center about this matter, we actively participated in trying to find a solution to this problem. You can see by the attached e-mails included that we tried to assist as much as possible.

B. COSCO Container Lines Americas failed to provide any of the following:

*Schedule of charges including onward carriage to Hong Kong including 25 day allowance.

Reply-We did provide schedule of charges and onward carriage to Hong Kong (Attached e-mail dated Oct 23, 2012).

*Reply to shipper's cash offer of \$104,000.00 dated 31 October and submitted to Jason Guthrie as part of the mitigation process.

Reply-The \$104,000 was \$44,000 due to the terminal which we had nothing to do with and \$60,000 which was a mitigated amount of demurrage and detention which we were not legally obligated to offer. We did agree to the \$60,000 mitigation for detention and demurrage but let them know in order to complete this transaction SBI or their agents would have to obtain a release of their cargo from Chinese Customs, this is not something COSCO can do. (see attached e-mails dated Nov.27 and 30 2012, we accepted the mitigated amount).

*Reply to shipper's request of 06 November requesting missing replies.

Reply-We were always trying to get replies and discussing with Jason Guthrie (see e-mails dated Nov. 7 and 8 2012).

*Reply to various other requests for cooperation as made by shipper.

Reply-Shipper was communicating with Jason Guthrie directly not us, whenever Jason called or e-mailed, I got back to him promptly.

*To demonstrate any goodwill or desire to reach a settlement.

Reply-We consider the mitigation of detention and demurrage charges owed to us as goodwill. We wanted this matter settled just as much as SBI, as we had 4 refrigerated containers tied up which are our most costly pieces of equipment. When we thought this matter was settled, it turns out SBI had not gotten the releases needed (Please see e-mail dated Nov. 30th 2012 from Jason Guthrie, where SBI claimed it would not be a problem for them to get customs clearance). Please also see e-mail dated Dec. 12 2012, where my contact in Shanghai asked that SBI's agent in China contact him directly so they could speed up the matter and avoid any misunderstandings.

DATED: April 15, 2013

I, Howard Finkel, declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

COSCO Container Lines Americas, Inc.

By:



Howard Finkel

Executive Vice President

Howard Finkel

EVP

COSCO Container Lines Americas, Inc.

100 Lighting Way

Secaucus, NJ 07094

Sworn before me by Mr. Howard Finkel on April 15, 2013,



James Houghtalin, Esq.

An Attorney-At-Law of the State of New
Jersey authorized to administer this oath
pursuant to N.J.S.A. 41:2-1

HFinkel/Howard Finkel (US/CCLA/TRD)

From: BAbramow/Brian Abramowitz (US/CCLA/TRD)
Sent: Friday, September 21, 2012 10:09 AM
To: Zoraya B. De La Cruz
Cc: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: RE: FMC Complaint

Zoraya,

Ok I have pushed to get information and I do not have much to report. Apparently customs is holding the containers and all requests that we have made to move the boxes to other destinations as well as back to USA have been denied. SBI has to work with customs directly as this is not a COSCO issue. we are ready willing and able to move, release, divert or return the containers once customs releases their hold.

Thanks

Brian

From: Zoraya B. De La Cruz [mailto:z]

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(SCTD)
Sent: Thursday, October 25, 2012 4:26 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: BAbramow/Brian Abramowitz (US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD); BUTley/Bruce Utley (US/CCLA/TRD); pengchao/Peng Chao(TSD); JYoung/Jaime Young (US/CCLA/TRD); wanggx/Wang Guixiang(TSD); huyy1/Hu Yuanyuan(SCTD); wangxl3/Wang XiuLin(COSFRETJ); BUTley/Bruce Utley (US/CCLA/TRD); chenya1/Chen Yang(SCTD)
Subject: 答复: SBI Poultry Shipments at Xingang for SBI International

Dear Howard Finkel,

Thanks yours.

As we have no fault in this case, actually we had done our best to provide the customer assistance utmost we are not willing, it is also unfair for us, to offer our mitigation at this stage.

Also, does the customer focus on the mitigation only and any their confirmed time schedule for cargo delivery?

Thanks again for your kind understanding in this case.

B.rgds

Li

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)

HFinkel/Howard Finkel (US/CCLA/TRD)

From: huyy1/Hu Yuanyuan(SCTD)
Sent: Tuesday, September 25, 2012 8:55 PM
To: BAbramow/Brian Abramowitz (US/CCLA/TRD); lihb/Li HaiBo(SCTD); JRush/Joan Rush (US/CCLA/OMD)
Cc: pengchao/Peng Chao(TSD); wangxl3/Wang XiuLin(COSFRETJ); BUTley/Bruce Utley (US/CCLA/TRD); JYoung/Jaime Young (US/CCLA/TRD); wanggx/Wang Guixiang(TSD); HFinkel/Howard Finkel (US/CCLA/TRD); chenya1/Chen Yang(SCTD)
Subject: 答复: POULTRY SHIPMENTS AT XINGANG URGENT COMPLAINT FROM FMC we need over night reply

Brian,

Sorry we do not have any documents from customs. Because customs just received our applications and keep quiet.

As carrier we are eager to get response from customs even more than shipper. You know a lot of cost happened everyday.

胡媛媛
Isabella Hu

特种箱贸易区
Special Trade
TEL:(021)65953651 35124888-1808
FAX:(021)65954867
Email:huyy1@coscon.com

----- 邮件原件-----

发件人: BAbramow/Brian Abramowitz (US/CCLA/TRD)
发送时间: 2012 年 9 月 25 日 23:08
收件人: lihb/Li HaiBo(SCTD); JRush/Joan Rush (

HFinkel/Howard Finkel (US/CCLA/TRD)

From: Jason Guthrie [jguthrie@fmc.gov]
Sent: Friday, October 19, 2012 10:51 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: Zoraya B. De La Cruz
Subject: RE: Response on issue with SBI

Thanks, Howard.

Looking at his email, it would appear that he has someone who has spoken with customs and gotten the containers released, but I'd like to hear from him more specifics on the case, and I hope that you can be on that call as well. What does your schedule look like today for a quick conference call? My goal for today is to make sure that all parties are on the same page as far as what can be done with the boxes, we can talk about mitigation once we've got a plan in place to

HFinkel/Howard Finkel (US/CCLA/TRD)

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Sent: Tuesday, October 23, 2012 3:26 PM
To: Jason Guthrie
Subject: SBIPoultry Shipments

Jason,

The following are the detailed list of charges through today on SBI's boxes:

REEFER PLUG CHARGES

CBHU2834534-CNY36890

TRIU 8790938-CNY 36890

TRIU 8681562-CNY39370

CBHU 2969740-CNY 34720

FOR REEFER PLUG CHARGES AFTER 10/22, ADD CNY310 PER DAY.

TRUCK CHARGES

CNY 300 X 4=CNY1200

DEMURRAGE AND DETENTION

CBHU2834534-CNY138768 OVER 112 DAYS

TRIU8790938-CNY138768 OVER 112 DAYS

TRIU8681562-CNY150864 OVER 121 DAYS

CBHU-2969740-CNY

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Wednesday, November 07, 2012 12:57 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: BAbramow/Brian Abramowitz (US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD); BUTley/Bruce Utley (US/CCLA/TRD); huyy1/Hu Yuanyuan(GSD); chenya1/Chen Yang(GSD)
Subject: 答复: Request for update, FMC Complaint no. 120646 - SBI International

Dear Howard Finkel.

As you can see that the problem now is totally at the Xingang Customs side.

If the customer is not ready in delivering the cargo at Xingang, especially be ready with the Xingang Customs, it is useless for all of us to discuss about the mitigation of amount.

Anyway, besides the above, we could consider USD 3000 per bill of demurrage and detention at most, thanks.

B.rgds

li

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Se

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Thursday, November 08, 2012 11:29 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: BAbramow/Brian Abramowitz (US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD); BUTley/Bruce Utley (US/CCLA/TRD); RCaamano/Ralph Caamano (US/CCLA/TRD); huyy1/Hu Yuanyuan(GSD); chenya1/Chen Yang(GSD)
Subject: 答复: Any News?

Dear Howard Finkel,

We are applying to our management regarding the following which may take days.

At the same time, please kindly check and advise if the customer will deliver the cargo at Xingang or need to deliver at Hong Kong and if the \$60,000.00 plus \$46,000 has included the freight to Hong Kong already, thanks.

B.rgds

Li

-----邮件原件-----

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)

发送时间: 2012年11月9日 6:18

收件人: lihb/Li HaiBo(GSD)

抄送: BAbramow/Brian Abramowitz (US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD); BUTley/Bruce Utley (US/CCLA/TRD); RCaamano/Ralph Caamano (US/CCLA/TRD)

主题: FW: Any News?

重要性: 高

Dear Li HaiBo,

The account is now threatening to file some claims against us unless he gets answers to his questions tomorrow.

You mentioned that there was still some problems with Customs in Xingang, the customer is claiming that the cargo is cleared, what is the truth here?

I already told them the most we could consider mitigating the detention/demurrage was \$3000.

Can we give them a final price as of tomorrow?

Best Regards
Howard Finkel

-----Original Message-----

From: Jason Guthrie [mailto:jguthrie@fmc.gov]

Sent: Thursday, November 08, 2012 5:05 PM

To: HFinkel/Howard Finkel (US/CCLA/TRD)

Subject: FW: Any News?

Importance: High

Howard,

Per Mr. Penn's request, I am forwarding his most recent email to you.

Kind regards,

Jason Guthrie

From: RONALD PENN [madfoods@msn.com]
Sent: Thursday, November 08, 2012 12:31 PM
To: Jason Guthrie
Subject: Any News?

Hi Jason,

We are at the end of our rope regarding this matter because there is no cooperation coming from the other side.

Apparently, Cosco has decided not to provide any response to any of our requests for:

1. Offer of settlement \$60,000.00 plus \$46,000 in port fees.
2. Request for a counter proposal.
3. Request for a final price.

It is impossible for us to move the cargo without cooperation from Cosco Lines. Their utter lack of cooperation has prevented our timely retrieval of the cargo, has added immensely to the expenses and placed the quality of the goods in great peril.

Unless we receive their necessary cooperation by tomorrow 09 November, we shall be forced to pursue this matter under Section 10 of the Shipping Act that provides remedy and punishment for common carriers failing to cooperate with the settling of claims, involvement in unjust and unfair means or otherwise engaged in discriminatory practices.

Please pass this message along to Mr. Finkel in the hopes that he shall be able to immediately provide the necessary information to enable my firm to retrieve its cargo from Xingang.

Sincerely,

Ronald Penn
SBI International, Inc.

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Tuesday, November 27, 2012 1:34 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: BAbramow/Brian Abramowitz (US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD);
BUtley/Bruce Utley (US/CCLA/TRD); huyy1/Hu Yuanyuan(GSD); chenya1/Chen Yang(GSD)
Subject: 答复: Request for update, FMC Complaint no. 120646 - SBI International

Dear Howard Finkel,

Thanks yours.

To have a quick settlement for the following, we now propose the following:

Please firstly have SBI's confirmation that the four reefers are free from any restrictions from the local Customs now and SBI or their consignee is ready in all respects in Xingang to deliver/ transshipment to Hong Kong the four reefers.

If above is positive, we could accept the \$60,000 towards detention and demurrage and \$46,000 towards the other charges

HFinkel/Howard Finkel (US/CCLA/TRD)

From: Jason Guthrie [jguthrie@fmc.gov]
Sent: Friday, November 30, 2012 10:05 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: Settlement between COSCO and SBI

Good morning, Howard,

I think that we are ready to begin implementing the agreement we talked about between COSCO and SBI International.

I explained to Ron the fact that he would need to get some sort of documentation regarding customs clearance for any of this to work, he seemed to indicate that getting such wouldn't be a problem.

He has proposed the following terms to implement the settlement. If you have a chance, I'd appreciate it if you could review and let me know w

HFinkel/Howard Finkel (US/CCLA/TRD)

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Sent: Thursday, December 06, 2012 8:46 AM
To: Jason Guthrie
Cc: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: Re: Potential settlement between COSCO and SBI International

Sounds right but all predicated on cargo being released by China Customs. We cannot mitigate charges after Nov. 30 th.

Best Regards
Howard Finkel

Sent from my iPhone

On Dec 5, 2012, at 3:36 PM, "Jason Guthrie" <jguthrie@fmc.gov> wrote:

Hey Howard,

Just want to make sure I've got the information right based on our phone call:

1. SBI International would wire to COSCO in the USA \$60,000.
2. This would cover all D and D charges through November 30.

HFinkel/Howard Finkel (US/CCLA/TRD)

From: Jason Guthrie [jguthrie@fmc.gov]
Sent: Wednesday, December 12, 2012 2:25 PM
To: RONALD PENN
Cc: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: FW: Cosco Progress

Hi Ron,

COSCO Shanghai has indicated that nothing will be released until your agent can demonstrate that Chinese Customs is prepared to release the cargo to COSCO for COSCO to release it to you. Is that a document you can collect from your agent?

Kind regards,

Jason Guthrie

Office of Consumer Affairs and Dispute Resolution Services

Federal Maritime Commission

800 North Capitol Street, NW

Washington, DC 20573

(202) 523-4597

All matters discussed with

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Wednesday, December 12, 2012 9:16 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: LPalazzo/Lou Palazzo US/CCLA/FAD); BUTley/Bruce Utley (US/CCLA/TRD); zhouwei/Zhou Wei (US/CCLA); liujun/Liu Jun(US/CCLA/TRD); JRush/Joan Rush (US/CCLA/OMD); huyy1/Hu Yuanyuan(GSD); yukm/Yu KeMiao (ATD)
Subject: 答复: Cosco Progress

Dear Howard Finkel,

Thank you very much once again for your efforts in this case.

Further to our message below, to speed up the settlement and avoid misunderstanding current and potential in the future, if it is acceptable for SBI, would you please kindly check with SBI to have their agent in Xingang/China contact me directly (my tel number is 021-35124888 x 1807)(suppose their agent may be Tianjin Tongda Sheng yun Freight but we need their confirmation/ authorization firstly)

HFinkel/Howard Finkel (US/CCLA/TRD)

From: xiwj/Xi WenJing(CDS)
Sent: Tuesday, January 08, 2013 2:01 AM
To: chenjin1/Chen Jin(SH-Documentation); luying/Lu Ying(SH-Documentation); yangbo/Yang Bo(SH-Documentation); zhangy3/Zhang Yan(SH-Documentation); zhengyi/Zheng Yi(SH-Documentation); zongth/Zong TongHua(SH-Shipping); chenhy/chen hongyu(COSFRETJ); lich/Li ChunLan(COSFRETJ); liulei1/Liu Lei1(COSFRETJ); xieych/Xie YongChun(COSFRETJ); zhuql1/ZHu QingLei(COSFRETJ)
Cc: JRush/Joan Rush (US/CCLA/OMD); wangxl3/Wang XiuLin(COSFRETJ); lihb/Li HaiBo(GSD); xuysh/Xu YinSheng (US/CCLA/FAD); wengqn/Weng QiNi(TSD); HFinkel/Howard Finkel (US/CCLA/TRD); yukm/Yu KeMiao (ATD); tangl/Tang Ling(CDS)
Subject: 转发: Settlement between COSCO and SBI
8006550469/8006550460/8006513204/8006544330

Dear agent,

We have updated consignee per below for above four shipments.

Tianjin Tongda Sheng yun Freight

Forwarders Co.,Ltd.

Address: Room 29-4-501 Huayun Garden TangGu District TianJin

Tel: 86-022-66389956

Fax: 86-022-66389976

Please note!

发件人: tangl/Tang Ling(CDS)

发送时间: 2013 年 1 月 8 日 13:16

收件人: JRush/Joan Rush (US/CCLA/OMD); wangxl3/Wang XiuLin(COSFRETJ); lihb/Li HaiBo(GSD); xuysh/Xu YinSheng (US/CCLA/FAD); wengqn/Weng QiNi(TSD); xiwj/Xi WenJing(CDS) (xiwj@cos

HFinkel/Howard Finkel (US/CCLA/TRD)

From: wangxl3/Wang XiuLin(COSFRETJ)
Sent: Wednesday, January 30, 2013 8:44 PM
To: lihb/Li HaiBo(GSD)
Cc: HFinkel/Howard Finkel (US/CCLA/TRD); wangjh/Wang JiHong(COSFRETJ)
Subject: 答复: SBI containers

Dear Li

281232+281232+293328+273168=1128960 CNY

Wang xiulin

发件人: lihb/Li HaiBo(GSD)
发送时间: 2013 年 1 月 31 日 8:55
收件人: wangxl3/Wang XiuLin(COSFRETJ)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD)
主题: 答复: SBI containers

Dear Wang,

Could you please kindly check and advise the following, thanks.

B.rgds

Li

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)
发送时间: 2013 年 1 月 30 日 23:00
收件人: lihb/Li HaiBo(GSD)
主题: FW: SBI containers

Hi Li HaiBo,

Pls see the following e-mail from the FMC. Can we let them know what the D and D charges will be up till Feb. 5th? And payment instructions?

Thanks
And Best Regards
Howard Finkel

From: Jason Guthrie [mailto:jguthrie@fmc.gov]
Sent: Friday, January 25, 2013 8:59 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: SBI containers

Hi Howard,

HFinkel/Howard Finkel (US/CCLA/TRD)

From: Jason Guthrie [jguthrie@fmc.gov]
Sent: Friday, February 01, 2013 9:31 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: Update on SBI containers

Good morning, Howard,

I was hoping I could get some numbers from you on D and D for Ron's containers moving them as of February 5 and some wire information on how he should pay.

I'd appreciate it if you could give me a call when you have a second.

Kind regards,

Jason Guthrie
Office of Consumer Affairs and Dispute Resolution Services
Federal Maritime Commission
800 North Capitol Street, NW
Washington, DC 20573
(202) 523-4597

All matters discussed with CADRS staff are confidential and subject to the same confidentiality provisions as administrative dispute resolutions pursuant to 5 U.S.C. 574. Except as specifically set forth in 5 U.S.C. 574, neither CADRS staff nor the parties to a dispute resolution proceeding before CADRS shall disclose any informal dispute resolution communication.

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HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Sunday, February 03, 2013 7:44 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: wangxl3/Wang XiuLin(COSFRETJ)
Subject: 答复: SBI containers
Attachments: 答复: SBI containers

Dear Howard Finkel,

Can the attachment satisfy the following?

Please let me know further requirement if any, thanks.

B.rgds

Li

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)
发送时间: 2013年2月1日 23:45
收件人: HFinkel/Howard Finkel (US/CCLA/TRD)
抄送: lihb/Li HaiBo(GSD)
主题: Re: SBI containers

Dear Mr. Lee,
I have received a second e-mail on this matter from the FMC, please respond.
Best Regards
Howard Finkel

Sent from my iPhone

On Jan 30, 2013, at 8:00 AM, "HFinkel/Howard Finkel \ (US/CCLA/TRD\)" <howardf@COSCO-USA.COM> wrote:

Hi Li HaiBo,

Pls see the following e-mail from the FMC. Can we let them know what the D and D charges will be up till Feb. 5th? And payment instructions?

Thanks

And Best Regards

Howard Finkel

From: Jason Guthrie [mailto:jguthrie@fmc.gov]
Sent: Friday, January 25, 2013 8:59 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: SBI containers

Hi Howard,

Got your message the other day, thank you for getting back to me.

I understand that COSCO isn't willing to do any additional mitigation, can you provide for me an invoice for D and D charges up to and including February 5, and payment instructions for me to pass on to Ron?

As always, feel free to give me a call with any questions or concerns.

Kind regards,

Jason Guthrie

Office of Consumer Affairs and Dispute Resolution Services

Federal Maritime Commission

800 North Capitol Street, NW

Washington, DC 20573

(202) 523-4597

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Note: This email and any attached electronic documents are intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified

HFinkel/Howard Finkel (US/CCLA/TRD)

From: Jason Guthrie [jguthrie@fmc.gov]
Sent: Monday, February 04, 2013 12:56 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: Re: FW: SBI containers

Thank you, Howard. I'll pass this on to Ron.

Kind regards,

Jason Guthrie

On Mon, Feb 4, 2013 at 9:41 AM, HFinkel/Howard Finkel (US/CCLA/TRD) <howardf@cosco-usa.com> wrote:

Jason,

Below are the amounts due till Feb. 5th.

Best Regards

Howard Finkel

From: wangxl3/Wang XiuLin(COSFRETJ)
Sent: Wednesday, January 30, 2013 8:44 PM
To: lihb/Li HaiBo(GSD)
Cc: HFinkel/Howard Finkel (US/CCLA/TRD); wangjh/Wang JiHong(COSFRETJ)
Subject: 答复: SBI containers

Dear Li

281232+281232+293328+273168=1128960 CNY

Wang xiulin

HFinkel/Howard Finkel (US/CCLA/TRD)

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Sent: Monday, February 04, 2013 9:41 AM
To: Jason Guthrie
Subject: FW: SBI containers

Jason,
Below are the amounts due till Feb. 5th.

Best Regards
Howard Finkel

From: wangxl3/Wang XiuLin(COSFRETJ)
Sent: Wednesday, January 30, 2013 8:44 PM
To: lihb/Li HaiBo(GSD)
Cc: HFinkel/Howard Finkel (US/CCLA/TRD); wangjh/Wang JiHong(COSFRETJ)
Subject: 答复: SBI containers

Dear Li

281232+281232+293328+273168=1128960 CNY

Wang xiulin

发件人: lihb/Li HaiBo(GSD)
发送时间: 2013 年 1 月 31 日 8:55
收件人: wangxl3/Wang XiuLin(COSFRETJ)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD)
主题: 答复: SBI containers

Dear Wang,

Could you please kindly check and advise the following, thanks.

B.rgds

Li

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)
发送时间: 2013 年 1 月 30 日 23:00
收件人: lihb/Li HaiBo(GSD)
主题: FW: SBI containers

Hi Li HaiBo,

Pls see the following e-mail from the FMC. Can we let them know what the D and D charges will be up till Feb. 5th? And payment instructions?

Thanks
And Best Regards
Howard Finkel

From: Jason Guthrie [mailto:jguthrie@fmc.gov]
Sent: Friday, January 25, 2013 8:59 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: SBI containers

Hi Howard,

Got your message the other day, thank you for getting back to me.

I understand that COSCO isn't willing to do any additional mitigation, can you provide for me an invoice for D and D charges up to and including February 5, and payment instructions for me to pass on to Ron?

As always, feel free to give me a call with any questions or concerns.

Kind regards,

Jason Guthrie
Office of Consumer Affairs and Dispute Resolution Services
Federal Maritime Commission
800 North Capitol Street, NW
Washington, DC 20573
(202) 523-4597

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HFinkel/Howard Finkel (US/CCLA/TRD)

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Sent: Tuesday, February 05, 2013 9:20 AM
To: Jason Guthrie
Subject: FW: SBI containers

Jason,

I was also advised this could be paid in the U.S.

Best Regards
Howard Finkel

From: lihb/Li HaiBo(GSD)
Sent: Tuesday, February 05, 2013 2:19 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: wangxl3/Wang XiuLin(COSFRETJ); chen Yao (TSD); xuysh/Xu YinSheng (US/CCLA/FAD); wengqn/Weng QiNi(TSD); shengjie/Sheng Jie(TSD)
Subject: 答复: SBI containers

Dear Howard Finkel,

Acceptable.

In the case of the above, CCLA needs to create AR S/N DND invoice, thanks.

B.rgds

Li

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)
发送时间: 2013年2月4日 22:43w
收件人: lihb/Li HaiBo(GSD)
抄送: wangxl3/Wang XiuLin(COSFRETJ)
主题: RE: SBI containers

Thanks Li HaiBo,

They also wanted to know if this amount can be paid in the U.S. I'm assuming this is in RMB?

Best Regards
Howard Finkel

From: lihb/Li HaiBo(GSD)
Sent: Sunday, February 03, 2013 7:44 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: wangxl3/Wang XiuLin(COSFRETJ)
Subject: 答复: SBI containers

Dear Howard Finkel,

Can the attachment satisfy the following?

Please let me know further requirement if any, thanks.

B.rgds

Li

On Jan 30, 2013, at 8:00 AM, "HFinkel/Howard Finkel \ (US/CCLA/TRD\)" <howardf@COSCO-USA.COM> wrote:

Hi Li HaiBo,

Pls see the following e-mail from the FMC. Can we let them know what the D and D charges will be up till Feb. 5th? And payment instructions?

Thanks

And Best Regards

Howard Finkel

From: Jason Guthrie [mailto:jguthrie@fmc.gov]
Sent: Friday, January 25, 2013 8:59 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: SBI containers

Hi Howard,

Got your message the other day, thank you for getting back to me.

I understand that COSCO isn't willing to do any additional mitigation, can you provide for me an invoice for D and D charges up to and including February 5, and payment instructions for me to pass on to Ron?

As always, feel free to give me a call with any questions or concerns.

Kind regards,

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Sunday, February 17, 2013 1:02 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: wangxl3/Wang XiuLin(COSFRETJ); ZhuJD/Jiandong Zhu (US/CCLA); wangjh/Wang JiHong(COSFRETJ)
Subject: 答复: SBI containers
Attachments: Settlement between COSCO and SBI 8006550469/8006550460/8006513204/8006544330

Dear Howard,

The DND amount is total CNY 483840 from 01/12/2012 to 28/02/2013 inclusive. Actually, the amount is CNY 1344 per unit per day starting from Dec 1 2012.

As per our settlement between SBI, all other charges locally including but not limited to plugs, moving fees, etc will be for consignee/ shipper/ customer's account, which will be settled by the shippers/consignees locally themselves.

As far as we know, the containers are still under the custody of the local Customs.

We have complied with the settlement between SBI but apparently they still have not withdrawn the complaint from FMC, haven't they?

We are in all respects ready to wait for their taking delivery but however, we keep being asked something from time to time by the customer. We respectfully request the customer to take delivery and arrange transship the cargo in Xingang asap, many thanks.

B.rgds

Li

发件人: wangxl3/Wang XiuLin(COSFRETJ)
发送时间: 2013 年 2 月 16 日 16:59
收件人: wangxl3/Wang XiuLin(COSFRETJ); lihb/Li HaiBo(GSD)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD); ZhuJD/Jiandong Zhu (US/CCLA); wangjh/Wang JiHong(COSFRETJ)
主题: 答复: SBI containers

DEAR LI:

FROM 01/12/2012 TO 28/02/2013

EACH CONTAINER DND CHARGES IS 120960 CNY
TTL: 120960 X 4 = 483840 CNY

B. RGDS
WANG XIULIN

发件人: wangxl3/Wang XiuLin(COSFRETJ)
发送时间: 2013 年 2 月 16 日 16:44
收件人: lihb/Li HaiBo(GSD)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD); ZhuJD/Jiandong Zhu (US/CCLA)
主题: 答复: SBI containers

DEAR LI:
THE DND CHARGES TILL 28/02/2013 WILL BE:

8006550469-312144 元;
8006550460-312144 元;
8006513204-324240 元;
8006544330-304080 元。

LOCAL CHARGES CNEE WILL PAY SOME PARTY DIRECTLY IN XINGANG.
B. RGDS
WANG XIULIN

发件人: lihb/Li HaiBo(GSD)
发送时间: 2013 年 2 月 16 日 9:55
收件人: wangxl3/Wang XiuLin(COSFRETJ)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD); ZhuJD/Jiandong Zhu (US/CCLA)
主题: 转发: SBI containers

Dear Wang,

Happy New Year!

As per the following request, could you please have the breakdown of the DND charges through Feb 28th as well as any other charges for releasing the cargo to be shipped to Hong Kong.

Could you please kindly break down the above charges from today to Feb 28, as the customer may pay us earlier than Feb 28.

Please also check and advise, if this cargo was ever released by Customs?, or does he have to satisfy them as well?

Many thanks.

B.rgds

Li

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)
发送时间: 2013 年 2 月 15 日 5:19
收件人: lihb/Li HaiBo(GSD)
抄送: wangxl3/Wang XiuLin(COSFRETJ); ZhuJD/Jiandong Zhu (US/CCLA)
主题: FW: SBI containers

Dear Li HaiBo,

Today I received another notice from the FMC regarding SBI. Apparently SBI did not drop the complaint to the FMC in return for us mitigating the D and D charges to \$60,000 through Dec. 15th. We need to tell SBI what the D and D charges are through Feb 28th and if there are any other charges SBI owes us in order for us to release the cargo to be shipped to Hong Kong. Can you also break down the charges by day since he may pay us earlier.

Can you also advise if this cargo was ever released by Customs?, or does he have to satisfy them as well?

We need a response to this ASAP, I have to respond to the FMC in 24 days and if this matter is not settled by then, it goes to an FMC judge who can rule we didn't deal fairly with this company and award damages. I realize we did everything to try and assist this account but he is relentless in trying to reach a settlement here on his terms.

Best Regards

Howard Finkel

From: lihb/Li HaiBo(GSD)

Sent: Sunday, February 03, 2013 7:44 PM

To: HFinkel/Howard Finkel (US/CCLA/TRD)

Cc: wangxl3/Wang Xiulin(COSFRETJ)

Subject: 答复: SBI containers

Dear Howard Finkel,

Can the attachment satisfy the following?

Please let me know further requirement if any, thanks.

B.rgds

Li

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)

发送时间: 2013 年 2 月 1 日 23:45

收件人: HFinkel/Howard Finkel (US/CCLA/TRD)

抄送: lihb/Li HaiBo(GSD)

主题: Re: SBI containers

Dear Mr. Lee,

I have received a second e-mail on this matter from the FMC, please respond.

Best Regards

Howard Finkel

Sent from my iPhone

On Jan 30, 2013, at 8:00 AM, "HFinkel/Howard Finkel \ (US/CCLA/TRD\)" <howardf@COSCO-USA.COM> wrote:

Hi Li HaiBo,

Pls see the following e-mail from the FMC. Can we let them know what the D and D charges will be up till Feb. 5th? And payment instructions?

Thanks

And Best Regards

Howard Finkel

From: Jason Guthrie [mailto:jguthrie@fmc.gov]
Sent: Friday, January 25, 2013 8:59 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: SBI containers

Hi Howard,

Got your message the other day, thank you for getting back to me.

I understand that COSCO isn't willing to do any additional mitigation, can you provide for me an invoice for D and D charges up to and including February 5, and payment instructions for me to pass on to Ron?

As always, feel free to give me a call with any questions or concerns.

Kind regards,

Jason Guthrie

Office of Consumer Affairs and Dispute Resolution Services

Federal Maritime Commission

800 North Capitol Street, NW

Washington, DC 20573

(202) 523-4597

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HFinkel/Howard Finkel (US/CCLA/TRD)

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Sent: Tuesday, February 19, 2013 4:07 PM
To: 'Jason Guthrie'
Subject: FW: SBI containers
Attachments: Settlement between COSCO and SBI 8006550469/8006550460/8006513204/8006544330

Dear Jason,

Please see reply from Shanghai on the SBI matter. Please advise if there is anything else needed. Please note that it appears that this cargo is still not released by Customs.

Best Regards
Howard Finkel

From: lihb/Li HaiBo(GSD)
Sent: Sunday, February 17, 2013 1:02 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: wangxl3/Wang XiuLin(COSFRETJ); ZhuJD/Jiandong Zhu (US/CCLA); wangjh/Wang JiHong(COSFRETJ)
Subject: 答复: SBI containers

Dear Howard,

The DND amount is total CNY 483840 from 01/12/2012 to 28/02/2013 inclusive. Actually, the amount is CNY 1344 per unit per day starting from Dec 1 2012.

As per our settlement between SBI, all other charges locally including but not limited to plugs, moving fees, etc will be for consignee/ shipper/ customer's account, which will be settled by the shippers/consignees locally themselves.

As far as we know, the containers are still under the custody of the local Customs.

We have complied with the settlement between SBI but apparently they still have not withdrawn the complaint from FMC, haven't they?

We are in all respects ready to wait for their taking delivery but however, we keep being asked something from time to time by the customer. We respectfully request the customer to take delivery and arrange transship the cargo in Xingang asap, many thanks.

B.rgds

Li

发件人: wangxl3/Wang XiuLin(COSFRETJ)
发送时间: 2013 年 2 月 16 日 16:59
收件人: wangxl3/Wang XiuLin(COSFRETJ); lihb/Li HaiBo(GSD)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD); ZhuJD/Jiandong Zhu (US/CCLA); wangjh/Wang JiHong(COSFRETJ)
主题: 答复: SBI containers

DEAR LI:

FROM 01/12/2012 TO 28/02/2013

EACH CONTAINER DND CHARGES IS 120960 CNY

TTL: 120960 X 4 = 483840 CNY

B. RGDS
WANG XIULIN

发件人: wangxl3/Wang XiuLin(COSFRETJ)
发送时间: 2013 年 2 月 16 日 16:44
收件人: lihb/Li HaiBo(GSD)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD); ZhuJD/Jiandong Zhu (US/CCLA)
主题: 答复: SBI containers

DEAR LI:
THE DND CHARGES TILL 28/02/2013 WILL BE:

8006550469-312144 元;
8006550460-312144 元;
8006513204-324240 元;
8006544330-304080 元。

LOCAL CHARGES CNEE WILL PAY SOME PARTY DIRECTLY IN XINGANG.
B. RGDS
WANG XIULIN

发件人: lihb/Li HaiBo(GSD)
发送时间: 2013 年 2 月 16 日 9:55
收件人: wangxl3/Wang XiuLin(COSFRETJ)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD); ZhuJD/Jiandong Zhu (US/CCLA)
主题: 转发: SBI containers

Dear Wang,

Happy New Year!

As per the following request, could you please have the breakdown of the DND charges through Feb 28th as well as any other charges for releasing the cargo to be shipped to Hong Kong.

Could you please kindly break down the above charges from today to Feb 28, as the customer may pay us earlier than Feb 28.

Please also check and advise, if this cargo was ever released by Customs?, or does he have to satisfy them as well?

Many thanks.

B.rgds

Li

发件人: HFinkel/

HFinkel/Howard Finkel (US/CCLA/TRD)

From: Jason Guthrie [jguthrie@fmc.gov]
Sent: Monday, February 25, 2013 12:38 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: Fwd: Fwd: FW: SBI containers

Good morning, Howard,

I'll let you take a look at SBI's response below. I don't think it will surprise you, and we may be out of options at this point unless COSCO wants to pursue some sort of inspection process, though I am unfamiliar with how that might take place.

Let me know how you would like to proceed, and I'll pass that along to Ron.

Kind regards,

Jason Guthrie
Office of Consumer Affairs and Dispute Resolution Services
Federal Maritime Commission
800 North Capitol Street, NW
Washington, DC 20573
P: (202) 523-4597
F: (202) 275-0059
jguthrie@fmc.gov

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----- Forwarded message -----

From: RONALD PENN <madfoods@msn.com>
Date: Thu, Feb 21, 2013 at 3:42 PM
Subject: Re: Fwd: FW: SBI containers
To: Jason Guthrie <jguthrie@fmc.gov>

Hi Jason,

Thanks for your message.

Contrary to what they claim, Cosco did not comply with the settlement agreement. In fact, the records show their actions have been to the contrary.

Our only request at the time we paid in good faith \$60,000.00 to Cosco was for them to provide a temporary letter of release of the cargo to our agent in Xingang. Please review the file and find our numerous desperate requests.

It was clearly understood that all cargo would remain in the possession of Cosco and that no attempt on our part to move would be made prior to settling the local port charges.

We also paid in good faith an additional USD\$ 48,000.00 for the Xingang port charges. Despite our payment for port charges, our agent has been blocked from moving the cargo through customs only because Cosco refused to temporarily release the cargo for custom purpose.

At this point, paying anything to Cosco does not provide us with assurances of their future cooperation and they may continue to block our efforts in moving the cargo. Without their commitment, nothing can be moved and we shall be back here within 60-90 days discussing additional charges.

The reason we have not withdrawn the complaint is because Cosco has not done anything to enable us to move the cargo.

Over 200 containers (stuck for the similar reasons) belonging to other exporters have been cleared well before Chinese New Year from the port of Xingang. Everything has been cleared except for these last 4 containers. We plan to bring expert witness to this effect.

At this point, it's been 9-10 months since the goods were shipped and we need assurance as to the quality of the cargo. It is suggested they survey the goods and if they are spoiled then Cosco can reimburse us for full value. If they are ok then we can continue our efforts to move them.

This matter requires a comprehensive settlement and we would like to hear their proposal or suggestion on how they intend to cooperate to finalize this affair.

We have always preferred a private resolution with Cosco and are willing to listen to their reasonable proposal.

Otherwise, we are compelled to proceed with the Docket since it's our only avenue of remedy.

Ronald Penn
SBI International

From: Jason Guthrie

Sent: Thursday, February 21, 2013 11:44 AM

To: madfoods@msn.com

Subject: Fwd: FW: SBI containers

Hey Ron,

See below for the latest information from COSCO in Shanghai, this is the number we are starting with, and how that will change based on when the cargo is released. Let me know how you want to respond; I assume from our previous conversations that we will want to start a negotiation at this point.

How are you on the customs clearance?

Kind regards,

Jason Guthrie

Office of Consumer Affairs and Dispute Resolution Services

Federal Maritime Commission

800 North Capitol Street, NW

Washington, DC 20573

P: (202) 523-4597

F: (202) 275-0059

jguthrie@fmc.gov

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----- Forwarded message -----

From: HFinkel/Howard Finkel (US/CCLA/TRD) <howardf@cosco-usa.com>

Date: Tue, Feb 19, 2013 at 4:06 PM

Subject: FW: SBI containers

To: Jason Guthrie <jguthrie@fmc.gov>

Dear Jason,

Please see reply from Shanghai on the SBI matter. Please advise if there is anything else needed. Please note that it appears that this cargo is still not released by Customs.

Best Regards

Howard Finkel

From: lihb/Li HaiBo(GSD)
Sent: Sunday, February 17, 2013 1:02 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: wangxl3/Wang XiuLin(COSFRETJ); ZhuJD/Jiandong Zhu (US/CCLA); wangjh/Wang JiHong(COSFRETJ)
Subject: 答复: SBI containers

Dear Howard,

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We are in all respects ready to wait for their taking delivery but however, we keep being asked something from time to time by the customer. We respectfully request the customer to take delivery and arrange transship the cargo in Xingang asap, many thanks.

B.rgds

Li

发件人: wangxl3/Wang XiuLin(COSFRETJ)
发送时间: 2013 年 2 月 16 日 16:59
收件人: wangxl3/Wang XiuLin(COSFRETJ); lihb/Li HaiBo(GSD)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD); ZhuJD/Jiandong Zhu (US/CCLA); wangjh/Wang JiHong(COSFRETJ)
主题: 答复: SBI containers

DEAR LI:

FROM 01/12/2012 TO 28/02/2013

EACH CONTAINER DND CHARGES IS 120960 CNY

TTL: 120960 X 4 = 483840 CNY

B. RGDS

WANG XIULIN

发件人: wangxl3/Wang XiuLin(COSFRETJ)
发送时间: 2013 年 2 月 16 日 16:44
收件人: lihb/Li HaiBo(GSD)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD); ZhuJD/Jiandong Zhu (US/CCLA)
主题: 答复: SBI containers

DEAR LI:

THE DND CHARGES TILL 28/02/2013 WILL BE:

8006550469-312144 元;

8006550460-312144 元;

8006513204-324240 元;

8006544330-304080 元。

LOCAL CHARGES CNEE WILL PAY SOME PARTY DIRECTLY IN XINGANG.

B. RGDS

WANG XIULIN

发件人: lihb/Li HaiBo(GSD)
发送时间: 2013 年 2 月 16 日 9:55
收件人: wangxl3/Wang XiuLin(COSFRETJ)
抄送: HFinkel/Howard Finkel (US/CCLA/TRD); ZhuJD/Jiandong Zhu (US/CCLA)
主题: 转发: SBI containers

Dear Wang,

Happy New Year!

As per the following request, could you please have the breakdown of the DND charges through Feb 28th as well as any other charges for releasing the cargo to be shipped to Hong Kong.

Could you please kindly break down the above charges from today to Feb 28, as the customer may pay us earlier than Feb 28.

Please also check and advise, if this cargo was ever released by Customs?, or does he have to satisfy them as well?

Many thanks.

B.rgds

Li

发件人: HFinkel/

----- Forwarded message -----

From: "lihb/Li HaiBo\(\GSD\)" <lihb@COSCON.COM>

To: "wangxl3/Wang XiuLin\(\COSFRETJ\)" <wangxl3@cosfretj.com>, "JRush/Joan Rush \(\US/CCLA/OMD\)" <JRush@COSCO-USA.COM>, "xuysh/Xu YinSheng \(\US/CCLA/FAD\)" <xuysh@cosco-usa.com>, "wengqn/Weng QiNi\(\TSD\)" <wengqn@COSCON.COM>

Cc: "huyy1/Hu Yuanyuan\(\GSD\)" <huyy1@coscon.com>, "HFinkel/Howard Finkel \(\US/CCLA/TRD\)" <howardf@COSCO-USA.COM>, "yukm/Yu KeMiao \(\ATD\)" <yukm@COSCON.COM>

Date: Sun, 6 Jan 2013 20:24:20 -0500

Subject: Settlement between COSCO and SBI 8006550469/8006550460/8006513204/8006544330

Dear All,

Regarding the 4 x 40' RQ 8006550469 CBHU2834534/8006550460 TRIU8790938/ 8006513204 TRIU8681562/ 8006544330 CBHU2969740 at Xingang, we now could confirm asf:

- a. The shipper/ customer to pay USD 60, 000 for all detention and demurrage at Xingang for the period through Nov 30 2012 and all the detention and demurrage after Nov 30 2012 will be paid by the consignee/ shipper/ customer as per COSCO's tariff.
- b. After receipt of the USD 60, 000, under the confirmation from shipper, please kindly release the cargo to:

Tianjin Tongda Sheng yun Freight

Forwarders Co., Ltd.

Address: Room 29-4-501 Huayun Garden TangGu District TianJin

Tel: 86-022-66389956

Fax: 86-022-66389976

c. All other charges locally including but not limited to plugs, moving fees, etc will be for consignee/ shipper/ customer's account.

d. The consignee/ shipper/ customer would arrange all the Customs formalities at Xingang and we agree to transport the goods to Hong Kong at the ocean rates of \$950 per container, plus any additional charges and fees according to COSCO's tariff. Shipper to supply all the necessary shipping and documentary information required to move the cargo to Hong Kong.

Dear Mr. Xu,

For sake of good order, would you please kindly confirm once again safe receipt of the USD 60,000, many thanks!

Thanks all your kind assistance in this case and any inquiry, please kindly feel free to contact us.

B. rgds

Li Haibo 李海波

Global Sales Division/ GSD

Cosco Container Lines

Phone : 0086-21-35124888 x 1807

Fax : 0086-21-65954867

email : lih@coscon.com

HFinkel/Howard Finkel (US/CCLA/TRD)

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Sent: Tuesday, February 26, 2013 4:45 PM
To: lihb/Li HaiBo(GSD)
Cc: ZhuJD/Jiandong Zhu (US/CCLA); wangxl3/Wang XiuLin(COSFRETJ); wangjh/Wang JiHong(COSFRETJ)
Subject: FW: Fwd: FW: SBI containers

Hi Li HaiBo,

Please see the e-mail I have sent to the FMC on this matter. I will still need an answer from you on all the charges SBI makes against us in the below E-Mail. It looks pretty certain that they will go through with this formal complaint to the FMC, so we will need all the proof we can to show we tried and help him get this cargo released.

Best Regards
Howard Finkel

From: HFinkel/Howard Finkel (US/CCLA/TRD)
Sent: Tuesday, February 26, 2013 4:38 PM
To: 'Jason Guthrie'
Subject: RE: Fwd: FW: SBI containers

Dear Jason,

I am perplexed by this response from Mr. Penn. When I was first brought into this situation Mr. Penn's containers were stuck in China because Chinese Customs put a hold on them for inspection. Just like what happens in the U.S., when Customs puts a hold on containers, all charges are for the account of the cargo. When you first contacted me with Mr. Penn, his request was that we mitigate the demurrage and detention charges these containers accrued. As I mentioned at the time, we were under no obligation to mitigate these charges but we wanted to help out this customer and get our equipment back so we mitigated the D and D charges through December. I made it clear at that time that Mr. Penn would have to arrange clearance with Customs and settle all local terminal charges. This is the first time I am hearing about a temporary release, you were on all the correspondence regarding this matter and unless I am mistaken, I don't believe you heard anything about a temporary release. I maintained contact with our Shanghai office who informed me that it appeared a Custom's release was not received. At one point my head contact in Shanghai told me to give his phone number to Mr. Penn and his agent so they could have a direct line of communication and get this matter settled. These containers continued to sit in China and Mr. Penn again asked that to mitigate more detention and demurrage charges which we were not prepared to do. He is now asking that we perform an inspection and if the cargo is spoiled, reimburse him for his costs. We have done more than what we were legally obligated to here, every time there seems to be an end in sight Mr. Penn comes up with another request for mitigation or now this story about asking for a temporary release.

Best Regards
Howard Finkel

From: Jason Guthrie [mailto:jguthrie@fmc.gov]
Sent: Monday, February 25, 2013 12:38 PM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Subject: Fwd: Fwd: FW: SBI containers

Good morning, Howard,

HFinkel/Howard Finkel (US/CCLA/TRD)

From: lihb/Li HaiBo(GSD)
Sent: Wednesday, February 27, 2013 3:48 AM
To: HFinkel/Howard Finkel (US/CCLA/TRD)
Cc: ZhuJD/Jiandong Zhu (US/CCLA); wangxl3/Wang XiuLin(COSFRETJ); wangjh/Wang JiHong(COSFRETJ); pengchao/Peng Chao(TSD)
Subject: 答复: Fwd: FW: SBI containers

Dear Howard,

Our agent in Xingang has been cooperating with the customer's agent (the person and contact number given by SBI) and the D/Os were released in Jan already.

So far, we have no complaints from the customer's agent in Xingang and understand they are now working on the customer clearance themselves and need no assistance from us.

B.rgds

Li

发件人: HFinkel/Howard Finkel (US/CCLA/TRD)

发送时间: 2013 年 2 月 27 日 5:45

收件人: lihb/Li HaiBo(GSD)

抄送: ZhuJD/Jiandong Zhu (US/CCLA); wangxl3/Wang XiuLin(COSFRETJ); wangjh/Wang JiHong(COSFRETJ)

主题: FW: Fwd: FW: SBI containers

Hi Li HaiBo,

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Best Regards

Howard Finkel

From: HFinkel/Howard Finkel (US/CCLA/TRD)

Sent: Tuesday, February 26, 2013 4:38 PM

To: 'Jason Guthrie'

Subject: RE: Fwd: FW: SBI containers

Dear Jason,

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Best Regards

Howard Finkel

From: Jason Guthrie [mailto:jguthrie@fmc.gov]

Sent: Monday, February 25, 2013 12:38 PM

To: HFinkel/Howard Finkel (US/CCLA/TRD)

Subject: Fwd: Fwd: FW: SBI containers

Good morning, Howard,

I'll let you take a look at SBI's response below. I don't think it will surprise you, and we may be out of options at this point unless COSCO wants to pursue some sort of inspection process, though I am unfamiliar with how that might take place.

Let me know how you would like to proceed, and I'll pass that along to Ron.

Kind regards,

Jason Guthrie

Office of Consumer Affairs and Dispute Resolution Services

Federal Maritime Commission

800 North Capitol Street, NW

Washington, DC 20573

P: (202) 523-4597

F: (202) 275-0059

jguthrie@fmc.gov

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----- Forwarded message -----

From: RONALD PENN <madfoods@msn.com>

Date: Thu, Feb 21, 2013 at 3:42 PM

Subject: Re: Fwd: FW: SBI containers

To: Jason Guthrie <jguthrie@fmc.gov>

Certificate of Service

RECEIVED

2013 APR 24 PM 3:11

I hereby certify that I have this day served the foregoing document upon (SBL
International, Inc., C/O Ronald Penn, 8401 Lake Worth Road, suite 1200, Lake Worth, Florida, 33467) by mailing via UPS a copy to each such person.

OFFICE OF THE SECRETARY
FEDERAL MARITIME COMM



Dated at, Secaucus, NJ this 23rd day of April 2013.

Howard Finkel
Executive VP
COSCO Container Lines Americas, Inc.